

UNITED STATES DISTRICT COURT

for the

Western District of North Carolina

United States of America

v.

Peng Yang

Date of Original Judgment: 08/28/2020

Date of Previous Amended Judgment: _____

(Use Date of Last Amended Judgment if Any)

Case No: 0419 5:19CR00065-007USM No: 35102-058

Pro Se

Defendant's Attorney

**ORDER REGARDING MOTION FOR SENTENCE REDUCTION
PURSUANT TO 18 U.S.C. § 3582(c)(2)**

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 156 months **is reduced to** 135.

(See Page 2 for additional parts. Complete Parts I and II of Page 2 when motion is granted)

Except as otherwise provided, all provisions of the judgment dated 09/11/2020, shall remain in effect.

IT IS SO ORDERED.

Signed: March 21, 2024



Graham C. Mullen
United States District Judge



Effective Date: _____

(if different from order date)

This page contains information that should not be filed in court unless under seal.
(Not for Public Disclosure)

DEFENDANT: Peng Yang
CASE NUMBER: 0419 5:19CR00065
DISTRICT: Western District of North Carolina

I. COURT DETERMINATION OF GUIDELINE RANGE (*Prior to Any Departures*)

Previous Total Offense Level: <u>35</u>	Amended Total Offense Level: <u>33</u>
Criminal History Category: <u>I</u>	Criminal History Category: <u>I</u>
Previous Guideline Range: <u>168</u> to <u>210</u> months	Amended Guideline Range: <u>135</u> to <u>168</u> months

II. SENTENCE RELATIVE TO THE AMENDED GUIDELINE RANGE

- ☒ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a substantial assistance departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☐ The reduced sentence is above the amended guideline range.

III. FACTORS CONSIDERED UNDER USSG § 1B1.10 AND 18 U.S.C. § 3553(a) (*See Chavez-Meza v. United States, 138 S.Ct. 1959 (2018)*)

Pursuant to USSG §1B1.10(b)(2)(A), if the previous sentence was a departure or a variance from the previous guideline range, the term of imprisonment cannot be reduced to less than the minimum of the amended guideline range.